

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

OLIVIA SALINAS,
Plaintiff,

v.

ROSE MEDICAL MANAGEMENT,
LLC D/B/A ROSE MEDICAL
MANAGEMENT and J. KEITH
ROSE,
Defendants.

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Civil action

No. 2:21-cv-81

Joint Motion to Approve Settlement and Dismiss Suit

To the Honorable District Judge:

Olivia Salinas, the plaintiff, and Rose Medical Management L.L.C. and J. Keith Rose, the defendants, resolved the matters in dispute in this suit, ask the Court to approve their settlement agreement (filed as a sealed exhibit for *in camera* review to maintain confidentiality as desired by the parties), and ask the Court to dismiss this suit with prejudice as provided in the accompanying proposed order.

I. Background

Salinas asserted a claim under the Fair Labor Standards Act for underpayment of overtime wages. The parties agree that genuine good-faith disputes exist over liability (including whether Salinas was properly classified as an independent contractor or, if not, whether the defendants had a good-faith basis for doing so and whether any violation was willful) and the amount of damages, if any

(including whether a two-year or three-year period applies for recovery of any underpayments and whether liquidated damages may be awarded). The defendants have made a payment in exchange for a release and for the other provisions of the settlement agreement.

Court approval is requested so that Salinas' claim may be finally dismissed with prejudice. Although the parties have different views of the merits, the parties agree that the settlement terms are a fair and reasonable compromise of the disputed issues in this suit.

II. Prayer

The parties ask that the Court approve the settlement agreement as a fair and reasonable compromise, order that each party bear its own costs and attorney fees, and dismiss this suit and all claims asserted with prejudice.

Respectfully submitted,

/s/ Charles L. Scalise

ROSS • SCALISE LAW GROUP

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